

LA PLATA RIVER COMPACT

JANUARY 6, 1925.—Referred to the House Calendar and ordered to be printed

MR. LEATHERWOOD, from the Committee on Irrigation and Reclamation, submitted the following

REPORT

[To accompany S. 1656]

The Committee on Irrigation and Reclamation, to whom was referred S. 1656, granting the consent and approval of Congress to the La Plata River compact, report the same back to the House without amendment with the recommendation that the bill do pass.

The following letter from Hon. Hubert Work, Secretary of the Interior, is here inserted as part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1924.

HON. CHARLES L. McNARY,
Chairman Committee on Irrigation and Reclamation,
United States Senate.

MY DEAR SENATOR McNARY: Reference is made to your letter of January 16, 1924, requesting report on S. 1656.

The proposed measure is entitled "A bill granting the consent and approval of Congress to the La Plata River compact," and would give the approval of the Government to an agreement between the State of Colorado and the State of New Mexico, dated November 27, 1922, respecting the use of the waters of the La Plata River, an interstate stream, rising in the State of Colorado and flowing into the State of New Mexico.

This compact is not adverse to the interests of the Government, and I am in favor of the enactment of the bill into law.

Very truly yours,

HUBERT WORK.

The committee reviewed the hearings and report of the Senate Committee on Irrigation and Reclamation and also heard additional testimony from Hon. John Morrow, of New Mexico, and Hon. Edward T. Taylor, of Colorado. The following letter from the Acting Director of the United States Geological Survey is herewith inserted for the information of the House:

UNITED STATES GEOLOGICAL SURVEY,
Washington, June 27, 1924.

Hon. CARL HAYDEN,
House of Representatives.

MY DEAR MR. HAYDEN: I am in receipt of your letter dated June 18, 1924, asking for information in the Geological Survey concerning La Plata River, for use in connection with Senate bill 1656, which relates to a compact between Colorado and New Mexico, apportioning the water of that river between those States.

Under separate cover copies of the Red Mesa and La Plata topographic maps are being forwarded to your office. These maps show the location of the river in Colorado and the topography of the adjoining valley lands where the greater part of the Colorado irrigated land is situated. I regret that similar maps for lands in New Mexico are not available. I am also forwarding under separate cover copy of Water Supply Paper No. 395, entitled "Colorado River and its Utilization," by E. C. La Rue. On page 122 of this publication reference is made to irrigation in La Plata River basin.

Records of the flow of La Plata River have been secured at two gauging stations maintained in part by the Geological Survey and in part by the State engineers of Colorado and New Mexico. These stations are located at Hesperus, Colo., and La Plata, N. Mex. The available La Plata records for the years 1905 to 1910 are published in Water Supply Paper No. 395, copy of which is being furnished you. The record for 1913 is published in Water Supply Paper No. 359 and in 1914 in Water Supply No. 389. The remaining records have been obtained by the State engineers of Colorado and New Mexico and are published in the biennial reports of those officials. All of these records are summarized in the following table:

Runoff in acre-feet, La Plata River near La Plata, N. Mex.

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1904-5								14,680	21,300	480		3,810
1905-6	4,900	71	258	615	278	1,810	9,520	14,600	9,160	572	123	195
1906-7										2,810	7,560	2,300
1907-8	31	30	37	37	2,860	1,670	1,320	195	8	795	9,470	
1908-9			82	330	355	9,720	16,500	13,600	9,580	94	5,760	20,000
1909-10	590	81	30	700	2,640	12,400	8,210	2,400	205	66	15,900	1,400
1910-11	1,460	76	55									
1912-13				125	190	540	5,390	1,390	12	215	340	430
1913-14	350	295	125								600	360
1914-15	2,360	780	470	955	1,250	1,790	8,800	12,200	2,420	2,870	255	2,840
1915-16	155	185	375	510	890	11,000	12,900	6,540	230	715	1,690	235
1916-17	8,240	1,440	1,050	870	1,150	1,400	3,770	7,090	6,350	2,870	71	42
1917-18	43	35	46	820	910	1,840	110	36	31	1,020	11	1,290
1918-19	225	120	385	460	810	2,930	8,520	9,420	420	2,510	1,610	770
1919-20	920	795	525	1,200	2,770	3,520	7,690	24,900	7,250	130	545	400
1920-21	415	4,800	425	315	205	145	540	3,890	5,790	55	3,400	685
1921-22	720	360	780	1,090	1,080	2,100	2,810	21,800	59	19	30	9
Mean	1,570	6,980	330	620	1,180	3,870	6,620	9,080	4,490	1,020	2,960	2,460

LA PLATA RIVER AT HESPERUS, COLO.

1917-18				230	160	565	1,990	7,860	4,290	1,410	795	1,110
1918-19				545	370	460	8,400	15,100	4,900	4,380	2,400	1,380
1919-20	485	745	790		1,130	1,030	3,760	21,300	20,100	4,750	1,370	455
1920-21	485	500	485	450	650	2,210	4,940	12,700	14,900	2,910	3,540	1,220
1921-22	560	365	395	450	240	390	4,010	14,600	12,600	1,960	840	500
Mean	510	540	560	420	510	930	4,620	14,300	11,400	3,080	1,790	930

¹ Part month.

The United States Census Bureau has published figures based on data collected in 1919 which show an area of 20,473 acres in Colorado and 9,445 acres in New Mexico irrigable from constructed irrigation systems diverting from La Plata River. That bureau has also published figures showing that 17,174 acres in Colorado and 5,830 acres in New Mexico were actually irrigated in 1919 from

the river. It is understood in the Geological Survey that practically all the normal flow of the river during the irrigation season is required to satisfy the demands for the areas now under irrigation.

Yours very cordially,

W. C. MENDENHALL,
Acting Director.

The acts of the Legislatures of Colorado and New Mexico ratifying the compact are as follows:

AN ACT To approve the La Plata River compact

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. The general assembly hereby approves the compact, designated as the "La Plata River compact," signed at the city of Santa Fe, State of New Mexico, on the 27th day of November, A. D. 1922, by Delph E. Carpenter as the commissioner for the State of Colorado, under authority of and in conformity with the provisions of an act of the General Assembly of the State of Colorado, approved April 2, 1921, entitled "An act providing for the appointment of a commissioner on behalf of the State of Colorado to negotiate a compact or agreement between the States of Colorado and New Mexico respecting the use and distribution of the waters of the La Plata River and the rights of said States thereto, and making an appropriation therefor," the same being chapter 244 of the Session Laws of Colorado, 1921, and signed by Stephen B. Davis, jr., as the commissioner for the State of New Mexico, under legislative authority, which said compact is as follows:

"LA PLATA RIVER COMPACT

"The State of Colorado and the State of New Mexico, desiring to provide for the equitable distribution of the waters of the La Plata River and to remove all causes of present and future controversy between them with respect thereto, and being moved by considerations of interstate comity, pursuant to facts of their respective legislatures, have resolved to conclude a compact for these purposes and have named as their commissioners:

"Delph E. Carpenter, for the State of Colorado; and Stephen B. Davis, jr., for the State of New Mexico; who have agreed upon the following articles:

"ARTICLE I

"The State of Colorado, at its own expense, shall establish and maintain two permanent stream-gauging stations upon the La Plata River for the purpose of measuring and recording its flow, which shall be known as the Hesperus station and the interstate station, respectively.

"The Hesperus station shall be located at some convenient place near the village of Hesperus, Colo. Suitable devices for ascertaining and recording the volume of all diversions from the river above Hesperus station shall be established and maintained (without expense to the State of New Mexico), and whenever in this compact reference is made to the flow of the river at Hesperus station it shall be construed to include the amount of the concurrent diversions above said station.

"The interstate station shall be located at some convenient place within 1 mile of, and above or below, the interstate line. Suitable devices for ascertaining and recording the volume of water diverted by the enterprise and pioneer canals, now serving approximately equal areas in both States, shall be established and maintained (without expense to the State of New Mexico), and whenever in this compact reference is made to the flow of the river at the interstate station it shall be construed to include one-half the volume of the concurrent diversions by such canals, and also the volume of any other water which may hereafter be diverted from said river in Colorado for use in New Mexico.

"Each of said stations shall be equipped with suitable devices for recording the flow of water in said river at all times between the 15th day of February and the 1st day of December of each year. The State engineers of the signatory States shall make provision for cooperating gauging at the two stations, for the details of the operation, exchange of records and data, and publication of the facts.

"ARTICLE II

"The waters of the La Plata River are hereby equitably apportioned between the signatory States, including the citizens thereof, as follows:

"1. At all times between the 1st day of December and the 15th day of the succeeding February, each State shall have the unrestricted right to use of all water which may flow within its boundaries.

"2. By reason of the usual annual rise and fall, the flow of said river between the 15th day of February and the 1st day of December of each year shall be apportioned between the States in the following manner:

"(a) Each State shall have the unrestricted right to use all the waters within its boundaries on each day when the mean daily flow at the interstate station is 100 cubic feet per second or more.

"(b) On all other days the State of Colorado shall deliver at the interstate station a quantity of water equivalent to one-half of the mean flow at the Hesperus station for the preceding day, but not to exceed 100 cubic feet per second.

"3. Whenever the flow of the river is so low that in the judgment of the State engineers of the States the greatest beneficial use of its waters may be secured by distributing all of its waters successively to the land in each State in alternating periods, in lieu of delivery of water as provided in the second paragraph of this article the use of the waters may be so rotated between the two States in such manner for such periods, and to continue for such time as the State engineers may jointly determine.

"4. The State of New Mexico shall not at any time be entitled to receive nor shall the State of Colorado be required to deliver any water not then necessary for beneficial use in the State of New Mexico.

"5. A substantial delivery of water under the terms of this article shall be deemed a compliance with its provisions and minor and compensating irregularities in flow or delivery shall be disregarded.

"ARTICLE III

"The State engineers of the States by agreement, from time to time, may formulate rules and regulations for carrying out the provisions of this compact, which, when signed and promulgated by them, shall be binding until amended by agreement between them or until terminated by written notice from one to the other.

"ARTICLE IV

"Whenever any official of either State is designated to perform any duty under this compact, such designation shall be interpreted to include the State official or officials upon whom the duties now performed by such official may hereafter devolve.

"ARTICLE V

"The physical and other conditions peculiar to the La Plata River and the territory drained and served thereby constitute the basis for this compact, and neither of the signatory States concedes the establishment of any general principle or precedent by the concluding of this compact.

"ARTICLE VI

"This compact may be modified or terminated at any time by mutual consent of the signatory States and upon such termination all rights then established hereunder shall continue unimpaired.

"ARTICLE VII

"This compact shall become operative when approved by the legislature of each of the signatory States and by the Congress of the United States. Notice of approval by the legislatures shall be given by the governor of each State to the governor of the other State, and the President of the United States is requested to give notice to the governors of the signatory States of approval by the Congress of the United States.

"In witness whereof, the commissioners have signed this compact in duplicate originals, one of which shall be deposited with the secretary of state of each of the signatory States.

"Done at the city of Santa Fe, in the State of New Mexico, this 27th day of November, in the year of our Lord 1922.

"DELPH E. CARPENTER,
"STEPHEN B. DAVIS, Jr."

SEC. 2. Said compact shall not become binding or operative unless and until the same shall have been approved by the legislature of each of the signatory States and by the Congress of the United States, and the governor of the State of Colorado shall give notice of the approval of said compact by this act, to the governor of the State of New Mexico and to the President of the United States.

SEC. 3. The general assembly hereby declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

SEC. 4. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved, April 13, 1923.

CHAPTER 7

AN ACT Ratifying and approving the La Plata River compact

Whereas the Legislature of New Mexico, by an act approved March 12, 1921, entitled "An act providing for the appointment of a commission on behalf of the State of New Mexico to negotiate a compact or agreement between the States of New Mexico and Colorado respecting the use and distribution of the waters of the La Plata River and the rights of said States thereto, and making an appropriation therefor, repealing chapter 23, Session Laws 1919," appearing as chapter 147 of the Session Laws of 1921, authorized the appointment of a commissioner to represent the State of New Mexico upon a joint commission to be composed of commissioners representing the States of Colorado and New Mexico, for the purpose of negotiating and entering into a compact or agreement respecting the utilization and distribution of the waters of the La Plata River; and

Whereas the representatives of said States on the 27th day of November, 1922, at the city of Santa Fe, N. Mex., signed a compact in accordance with the provisions of said act, an original of which is now on file with the secretary of this State, therefore,

Be it enacted by the Legislature of the State of New Mexico:

SECTION 1. The State of New Mexico does hereby ratify, approve, and adopt the compact aforesaid which is as follows:

"LA PLATA RIVER COMPACT

"The State of Colorado and the State of New Mexico, desiring to provide for the equitable distribution of the waters of the La Plata River, and to remove all causes of present and future controversy between them with respect thereto, and being moved by consideration of interstate comity, pursuant to acts of their respective legislatures, have resolved to conclude a compact for these purposes and have named as their commissioners:

Delph E. Carpenter for the State of Colorado and
Stephen B. Davis, jr., for the State of New Mexico; who have agreed upon the following articles:

"ARTICLE I

"The State of Colorado, at its own expense, shall establish and maintain two permanent stream-gaging stations upon its flow, which shall be known as the Hesperus station and the interstate station, respectively.

"The Hesperus station shall be located at some convenient place near the village of Hesperus, Colo. Suitable devices for ascertaining and recording the volume of all diversions from the river above Hesperus station shall be established and maintained (without expense to the State of New Mexico), and whenever in this compact reference is made to the flow of the river at Hesperus station it shall be construed to include the amount of the concurrent diversions above said station.

"The interstate station shall be located at some convenient place within 1 mile of, and above or below, the interstate line. Suitable devices or ascertaining and recording the volume of water diverted by the Enterprise and Pioneer Canals, now serving approximately equal areas in both States, shall be established and maintained (without expense to the State of New Mexico), and

whenever in this compact reference is made to the flow of the river at the interstate station it shall be construed to include one-half the volume of the concurrent diversions by such canals, and also the volume of any other water which may hereafter be diverted from said river in Colorado for use in New Mexico.

"Each of said stations shall be equipped with suitable devices for recording the flow of water in said river at all times between the 15th day of February and the 1st day of December of each year. The State engineers of the signatory States shall make provision for cooperative gauging at the two stations, for the details of the operations, exchange of records and data, and publication of the facts.

"ARTICLE II

"The waters of the La Plata River are hereby equitably apportioned between the signatory States, including the citizens thereof, as follows:

"1. At all times between the 1st day of December and the 15th day of the succeeding February, each State shall have the unrestricted right to the use of all water which may flow within its boundaries.

"2. By reason of the usual annual rise and fall, the flow of said river between the 15th day of February and the 1st day of December of each year, shall be apportioned between the States in the following manner:

"(a) Each State shall have the unrestricted right to use all the waters within its boundaries on each day when the mean daily flow at the interstate station is 100 cubic feet per second or more.

"(b) On all other days the State of Colorado shall deliver at the interstate station a quantity of water equivalent to one-half of the mean flow at the Hesperus station for the preceding day, but not to exceed 100 cubic feet per second.

"3. Whenever the flow of the river is so low that, in the judgment of the State engineers of the States, the greatest beneficial use of its waters may be secured by distributing all of its waters successively to the lands in each State, in alternating periods, in lieu of delivery of water as provided in the second paragraph of this article, the use of the waters may be so rotated between the two States in such manner, for such periods, and to continue for such time as the State engineers may jointly determine.

"4. The State of New Mexico shall not at any time be entitled to receive, nor shall the State of Colorado be required to deliver, any water not then necessary for beneficial use in the State of New Mexico.

"5. A substantial delivery of water under the terms of this article shall be deemed a compliance with its provisions, and minor and compensating irregularities in flow or delivery shall be disregarded.

"ARTICLE III

"The State engineers of the States by agreements, from time to time, may formulate rules and regulations for carrying out the provisions of this compact, which, when signed and promulgated by them, shall be binding until amended by agreement between them or until terminated by written notice from one to the other.

"ARTICLE IV

"Whenever any official of either State is designated to perform any duty under this compact, such designation shall be interpreted to include the State official or officials upon whom the duties now performed by such official may hereafter devolve.

"ARTICLE V

"The physical and other conditions peculiar to the La Plata River, and the territory drained and served thereby, constitute the basis for this compact, and neither of the signatory States concedes the establishment of any general principle or precedent by the concluding of this compact.

"ARTICLE VI

"This compact may be modified or terminated at any time by mutual consent of the signatory States and upon such termination all rights then established hereunder shall continue unimpaired.

"ARTICLE VII

"This compact shall become operative when approved by the legislature of each of the signatory States and by the Congress of the United States. Notice of approval by the legislatures shall be given by the governor of each State to the governor of the other State and the President of the United States is requested to give notice to governors of the signatory States of approval by the Congress of the United States.

"In witness whereof, the commissioners have signed this compact in duplicate originals, one of which shall be deposited with the secretary of state of each of the signatory States.

"Done at the City of Santa Fe, in the State of New Mexico, this 27th day of November, in the year of Our Lord 1922.

"DELPH E. CARPENTER,
"STEPHEN B. DAVIS, Jr."

SEC. 2. Notice of the approval of said compact shall be given by the governor of New Mexico to the governor of Colorado, as provided in Article VII of said compact.

SEC. 3. The ratification and approval of said compact by this State shall not be binding or obligatory until it shall have been likewise approved by the Legislature of the State of Colorado, and by the Congress of the United States.

SEC. 4. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage and approval.

H. B. No. 47; approved, February 7, 1923.



"ARTICLE VII

"This compact shall become operative when approved by the legislature of each of the signatory States and by the Congress of the United States. Notice of approval by the legislatures shall be given by the governor of each State to the governor of the other State and the President of the United States is requested to give notice to governors of the signatory States of approval by the Congress of the United States.

"In witness whereof, the commissioners have signed this compact in duplicate originals, one of which shall be deposited with the secretary of state of each of the signatory States.

"Done at the City of Santa Fe, in the State of New Mexico, this 27th day of November, in the year of our Lord 1923.

"Bernard H. Carpenter,
Secretary of State.

"Sec. 2. Notice of the approval of said compact shall be given by the governor of New Mexico to the governor of Colorado as provided in Article VII of said compact.

"Sec. 3. The ratification and approval of said compact by this State shall not be binding or obligatory until it shall have been likewise approved by the legislatures of the States of Colorado and by the Congress of the United States.

"Sec. 4. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico that the provisions of this compact shall become effective at the earliest possible time and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage and approval.

H. B. No. 247, approved February 7, 1923.